

PROFESSIONAL ENGINEERS SECTION MEETING

MINUTES

The Professional Engineers Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 16, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Nico De León
Stanley C. Harris
Wiley V. Johnson, III

Staff present for all or part of the meeting were:

Mark N. Courtney, Deputy Director of Licensing and Regulation
Kathleen R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Earlyne Perkins, Legal Analyst
Amy Goobic, Administrative Assistant

No representative was present from the Office of the Attorney General.

Mr. Harris, Chair, called the meeting to order at 9:15 a.m.

Call to Order

Mr. Harris advised the Section of the emergency evacuation procedures.

Emergency Evacuation Procedures

Ms. Nosbisch acknowledged National Engineers Week and recognized the Section members for their contributions to the board.

National Engineers Week

Mr. Johnson moved to approve the agenda. Mr. Harris seconded the motion which was unanimously approved by members: De León, Harris and Johnson.

Approval of Agenda

Mr. Ed Westerman, Virginia Society of Professional Engineers, was present to address the Section regarding the 16 hour structural exam that will be offered by NCEES beginning in April 2011.

Public Comment Period

Regarding **File Number 2010-01540, David Eugene McFarren**, the Section members reviewed the Consent Order as seen and agreed to by Mr. McFarren. Mr. De León moved to recommend that the Board accept

File Number 2010- 01540, David Eugene McFarren

the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.B (Count 1). For this violation Mr. McFarren agrees to a monetary penalty of \$150.00 and \$150.00 in Board costs, for a total monetary penalty of \$300.00. In addition, Mr. McFarren agrees to a one (1) year probation of his license as of the effective date of this Order. The probation is to run concurrent with the probation term outlined in the Final Order entered by the State of Alabama Board of Licensure for Professional Engineers and Land Surveyors. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

As the presiding Board member, Mr. Harris was not present during the discussion or vote.

Regarding **File Number 2009-04265, Francis J. Keith**, the section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. De León recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-740.A (Count 1); 18VAC10-20-790.A.6 (Count 2); 18VAC10-20-790.A.3 (Count 3); 18VAC10-20-790.A.3 (Count 4); 18VAC10-20-700.A (Count 5) and 18VAC10-20-740.C (Count 6). Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

File Number 2009-04265, Francis J. Keith

Ms. Perkins informed the section that Mr. Keith had no prior violations. Mr. De León moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$500 for the violation contained in Count 1; \$2,000 for the violation contained in Count 2; \$1000 for the violation contained in Count 3; \$1000 for the violation contained in Count 4; \$1500 and revocation of license for the violation contained in Count 5; and revocation of license for the violation contained in Count 6; for a total monetary penalty of \$6000 and revocation of license. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

As the presiding Board member, Mr. Harris was not present during the presentation, discussion or vote.

Dr. Ron Kander, Director of the School of Engineering, James Madison University (JMU), was present to address the Board. Dr. Kander gave a brief background on the development of the engineering curriculum, the structure of the program and their application process to become ABET accredited.

James Madison University School of Engineering

The Section members were provided with correspondence from Dr. Kander, requesting permission for the 2012 seniors in the JMU School of Engineering to sit for the Fundamentals of Engineering (FE) examination in October of 2011 and April 2012, prior to the school having been awarded accreditation by the Accreditation Board for Engineering and Technology (ABET). After discussion, Mr. Johnson moved that the students be allowed to sit for the October 2011 Fundamentals of Engineering examination if they have met all other examination requirements; however, these students will not be granted the Engineer-In-Training (EIT) designation until the school receives ABET accreditation at the earliest possible time. Additionally, if the school does not receive ABET accreditation they will be considered as having graduated from a non-ABET accredited institution in being considered for the EIT and PE designations; therefore, they would have to reapply for the EIT designation after they have obtained the required amount of experience, even though they would have already sat for and passed the FE examination. Mr. De León seconded the motion which was unanimously approved by members: De León, Harris and Johnson.

Additionally, Dr. Kander is requesting that JMU become a testing site for the FE exam, as the will have 60-90 students taking the exam each year. After discussion, Mr. Johnson moved to consider JMU as a testing site if needed for the FE exam. Mr. De León seconded the motion which was unanimously approved by members: De León, Harris and Johnson.

The Section instructed Ms. Nosbisch to contact Ms. Sharon Sweet, Exam Administrator, to discuss the contract requirements for considering JMU as a test site if needed.

The Section members were provided with correspondence from Allen Knapp, VDH, regarding the emergency regulations for Alternative Onsite Sewage Systems for informational purposes.

**Emergency
Regulations for
Alternative Onsite
Sewage Systems**

Ms. Nosbisch informed the Section that DPOR representatives have been meeting regularly with VDH regarding the AOSS regulations. She also said that they will resume meeting after the General Assembly session.

Discussion was held regarding the number of times an applicant may sit for the Professional Engineers exam in Virginia. Several states have limits on the number of times a person may sit, and NCEES model law states that if you fail 3 times applicant must reapply and wait 11 months. The Section discussed various options on exam limits, inquiring if applicants have taken exams in other states and the possibility of an applicant demonstrating continuing education when reapplying. The Section agreed that the topic should be addressed during the regulatory review committee meeting and will also confer with board counsel at that time.

**Number of Times
Applicant May Sit
for PE Exam**

The Section members recessed from 11:00 a.m. until 11:15 a.m.

Recess

Discussion was held on the acceptance of U.S. citizenship in lieu of the Test of English as a Foreign Language (TOEFL). Mr. Courtney explained that in the past the Section determined that an applicant did not have to take the TOEFL if they could provide proof of U.S. citizenship, as the U.S. citizenship test has a section on English proficiency. The Section agreed by consensus that the topic should be addressed in the current regulatory review. Mr. Johnson stated that there should also be a minimum TOEFL score contained in the regulations. Ms. Nosbisch recommended the minimum score be referenced on the application.

TOEFL

Discussion was held on the use of electronic seal and signatures on plans. Mr. Johnson inquired whether the regulations meet current technology. Mr. Courtney gave some background on the current regulations and its intent. The Section agreed by consensus that the topic should be addressed in regulatory review with Counsel.

Electronic Seals & Signatures

The Section agreed by consensus to accept digital signatures on verification forms.

Digital Signatures on Applications

Ms. Nosbisch presented the Section with the proposed amendments to the NCEES Bylaws. The Bylaws will be offered at the 2010 NCEES Annual Meeting. Ms. Nosbisch requested that the PE Section and the Land Surveyor Section meet to discuss how to vote on the proposed changes.

Discussion of NCEES topics

Ms. Nosbisch informed the Section that the NCEES Credential Evaluation Service will be moving from Miami, FL to Clemson, SC, due to economic reasons. Ms. Nosbisch also informed the Section of the new specifications for the Agricultural PE exam, the specification updates for the Civil PE exam and the renaming of the FE exam module.

Ms. Nosbisch informed the Section that Malcolm Kerley, of VDOT, is available to attend the next section meeting if the members have questions for him. Mr. Kerley will be invited to the APELSCIDLA meeting March 23 to address questions regarding VDOT.

Other Business

The Section members recessed from 12:12 p.m. until 12:20 p.m.

Recess

The Section reviewed Part IV of the Board regulations, Qualifications for Licensing of Professional Engineers. Recommendations were made for changes and clarifications. The Section agreed by consensus to meet again before the next Regulatory Review Committee meeting to further discuss changes to present to the Committee. The Section will meet March 10, 2010.

Regulatory Review

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 1:00 p.m.

Adjourn

Stanley C. Harris, Chair

Jay W. DeBoer, Secretary